

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rule making related to waterway zoning

The Natural Resource Commission (Commission) hereby amends Chapter 40, “Boating Speed and Distance Zoning,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 455A.5(6), 462A.26(2) and 462A.32(1).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 462A.26 and 462A.32.

Purpose and Summary

Chapter 40 contains rules governing water navigation, specifically vessel speed and distance zoning. This rule making amends subrule 40.31(2). This subrule designates a five-mile-per-hour boating speed zone on East Okoboji Lake in the area known as the Narrows. The Narrows, as its name indicates, is a location where the lake is severely constricted by a large point protruding from the northeast. Currently, the speed zone is defined as an area extending 300 feet north and 200 feet south of the Narrows and is marked on the water using lines of buoys. The purpose of the zone is to reduce the speed of boat traffic for safety purposes and to reduce shoreline erosion caused by boat wakes. This amendment extends the speed zone an additional distance of approximately 800 feet from the existing south boundary to a buoy line extending from the point at 16486 255th Avenue east to the state property adjacent to 16313 256th Avenue on the east side of East Okoboji Lake. This extension will help further reduce shoreline erosion, which is an ongoing problem in this area.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 5, 2021, as **ARC 5593C**. A public hearing was held on May 26, 2021, at 6 p.m. via conference call. No one attended the public hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commission on July 7, 2021.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa as it requires no additional revenues or staffing to implement. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on September 1, 2021.

The following rule-making action is adopted:

Amend subrule 40.31(2) as follows:

40.31(2) Zone 2. Zone 2 shall be the area which is 300 feet north of the area commonly known as the Narrows on East Okoboji and ~~200 feet south of the area commonly known as the Narrows on~~ extends to a southern boundary of a buoy line from the point at 16486 255th Avenue east to the state property adjacent to 16313 256th Avenue on the east side of East Okoboji.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/28/21.